IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 17004 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE DN PATEL

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PATEL SANJAY ARVINDBHAI - Petitioner(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
MR KB PUJARA for the Petitioner.
Mr.M.R.Mengdey, Assistant GOVERNMENT PLEADER for Respondent Nos.: 1 and 2.

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CORAM : HONOURABLE MR.JUSTICE DN PATEL

Date : 18/08/2005

ORAL JUDGMENT

Rule. Learned Assistant Government Pleader Mr. Mengde waives service of notice of Rule on behalf of the respondent nos. 1 and 2. Though served, nobody appears on behalf of the respondent no. 3. With the consent of the learned advocates for the parties, this petition is taken up for final hearing.

2. The present petition has been preferred mainly because of the inaction on the part of the respondents in

not appreciating the correct date of birth which is 15th December, 1981 for giving admission in PTC course for the academic year 2005-2006 in respondent no. 3 college.

3. The learned advocate for the petitioner submitted that that an advertisement was given by the respondents, whereby applications were invited for admissions in PTC course which is at Annexure “C” to the memo of the petition. Necessary qualifications including the age bar which is as on 1st July, 2005, the candidate should not be more than 24 years of age, has been referred therein. The petitioner applied for PTC course, but as per school leaving certificate which is at Annexure “B”, the date of birth of the petitioner was 1.6.1981 and therefore, the petitioner was not considered for PTC course. But as per the birth certificate issued by the State of Gujarat, which is at Annexure “A” to the petition, it reveals the correct date of birth as 15th December, 1981 and hence, the petitioner's age is not more than 24 years as on 1st July, 2005. The document at Annexure “A” which is the birth certificate issued under Birth and Death Registration Act, 1969, ought to be given priority in comparison to school leaving certificate which is at Annexure “B”, so far as the date of birth is concerned.

This aspect of the matter has not been appreciated by the respondents and the petitioner has not been considered for giving admission in PTC course in the respondent no. 3 college. The learned advocate for the petitioner has also relied upon the decision of this Court in Special Civil Application nos. 5732, 5738, 5739 and 5741 of 1999 delivered on 18th August, 1999. The aforesaid judgment, which is at Annexure “I” to the memo of the petition, makes it amply clear that the certificate issued by the State of Gujarat under Birth and Death Registration Act, 1969 should be given priority so far as the date of birth is concerned in comparison to school leaving certificate and therefore, the respondents may be directed to consider the case of the petitioner for PTC course as the petitioner has not completed 24 years as on 1st July, 2005.

4. I have also heard the learned Assistant Government Pleader Mr. Mengde for the respondent State who has submitted that if this Court directs, the respondents have no much objection for consideration of the petitioner for admission in PTC course. The certificate which is at Annexure “A” shall now be considered as a final one so far as the date of birth of the petitioner is concerned and now his date of

birth will be considered as 15th December, 1981 and not 1st June, 1981.

5. Having heard the learned advocates for both the sides and looking to the narrow controversy as stated hereinabove, the birth certificate issued by the State of Gujarat under Birth and Death Registration Act, 1969 reveals the date of birth as 15th December, 1981 and therefore, the birth date revealed by school leaving certificate reveals the birth date as 1st June, 1981 which is not correct. Thus, looking to the documents at Annexures “A” and “B”, the birth certificate issued by the State of Gujarat shall be considered by the respondent authorities and as per that certificate, the petitioner has not crossed the age of 24 years as on 1st July, 2005. Also, looking to the judgment dated 18th August, 1999 rendered by this Court in Special Civil Application nos. 5732, 5738, 5739 and 5741 of 1999, the respondents are hereby directed to consider the case of the petitioner for admission in PTC course for the year 2005-2006 on the basis of the birth certificate Annexure “A” issued by the State of Gujarat, treating his date of birth as 15th December, 1981 within a period of one week from today. The learned Assistant Government Pleader has also assured this Court that on

the basis of the aforesaid order, within a period of one week from today, final decision will be taken by the respondents for grant of admission in PTC course to the petitioner, on the basis of the aforesaid date of birth mentioned in the certificate issued by the State of Gujarat. The petition is allowed accordingly. Rule is made absolute with no order as to costs.

(D.N.Patel,J)

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